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09/659,580	09/11/2000	Masami Oishi	Q60779	4484

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Sughrue Mion Zinn MacPeak & Seas PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037-3202

EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/659,580

Applicant(s)

OISHI ET AL.

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☒ Claim(s) 1-6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Claim Objections - 37 CXFR 1.75***

1. Claims 1-11 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

It is unclear from the claim why a recording status of the medium is detected, line 7, and has never been used later in the claim.

The statement "recording the recording control data according to a standard format, whose amount is smaller as compared to the predetermined recording control data", lines 8-10, is unclear from the claim as to how the amount of the control data recorded according to the standard format is smaller as compared to the predetermined control data, and the terms "the recording control data" and "the predetermined recording control data", lack antecedent basis.

Also, there is no interconnection between those steps as recited in the claim.

Overall, did applicant intend to recite the above statement as -- recording, in response to the detected recording status, a recording control data according to the simple format, whose amount is smaller as compared to a predetermined recording control data recorded according to a standard format--?

In claim 2:

It is unclear what applicant intend to state in the statement "in a data recording area, the recording manager area, a lead-in area, and the lead-out area, which are predetermined according to the standard format", lines 4-6. Also, it is unclear what is meant by the statement "which are predetermined according to the standard format".

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Further the term "a lead-in area", line 5, should be changed to --the lead-in area--; and the term "the lead-out area", line 5, should be changed to --a lead-out area--.

In claim 7:

It is unclear how means for recording and reproducing information and means for recording a control data are operated relatively since there is no interconnection there between.

Also, the term "the simple format", line 11, should be changed to --a simple format--; the term "the predetermined recording", line 12, should be changed to --a predetermined recording--; and the term "the standard format", line 13, should be changed to --a standard format--.

In claim 8:

It is unclear what applicant intend to state in the statement "in the data recording area, the recording manager area, the lead-in area, and the lead-out area, which are predetermined according to the standard format", lines 5-8. Also, it is unclear what is meant by the statement "which are predetermined according to the standard format".

Also, the term "the data recording area", line 5, should be changed to --a data recording area--; and the term "the lead-out area", line 7, should be changed to --a lead-out area--.

In claim 10:

It is unclear how the feature of a finalizing processing means is operated relatively with those features recited in claim 7 since there is no interconnection there between.

In claim 11:

It is unclear how the feature of information recording means is operated relatively with those features recited in claim 7 since there is no interconnection there between.

Claims 3-6 and 9 fall with their respective parent claim.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Ishimura et al. (US 6,424,615).

Ishimura et al., according to Figs. 1-20, show an information recording and reproducing apparatus (see Figs. 6-7), which is used for recording and reproducing information to and from an information recording medium (10), comprising: means (22, 42) for recording and reproducing information on and from the recording medium (10); and a recording control data recording means (16) for recording a recording control data (data that recorded in a lead-in area) according to a simple format (CD format) whose amount is smaller as compared to a predetermined recording control data according to a standard format (higher recording density format). See the respective disclosure of the recording medium shown in Fig. 1, 14 or 19 for details.

***Allowable Subject Matter***

4. Claims 1-6 would be allowable if rewritten or amended to overcome the objection(s) to under 37 CFR 1.75, set forth in this Office action.

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5. Claims 8-11 would be allowable if rewritten to overcome the objection(s) to under 37 CFR 1.75, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 1-6 and 8-11 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach a recording and reproducing method including a combination of all limitations as recited in claim 1 or a recording and reproducing apparatus including all features as recited in each of claims 8, 10 and

11. Claims 2-6 and 9 are allowable with their respective parent claim.

#### *Cited References*


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a recording and reproducing apparatus and/or a recording medium having control information recorded in a lead-in area with a lower recording density.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Thang N. Tran  
Primary Examiner  
Art Unit 2653